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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,613	07/18/2000	Max Donath	U11.12-0137	9301

7590 12/27/2002

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EXAMINER
SHAPIRO, LEONID

ART UNIT	PAPER NUMBER
2673	

DATE MAILED: 12/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/618,613	DONATH ET AL.	
	Examiner	Art Unit	
	Leonid Shapiro	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11-25-02* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-49* is/are pending in the application.

4a) Of the above claim(s) *2-15 and 22-49* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 16-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *12,14* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1 rejected under 35 U.S.C. 102(b) as being anticipated by Groves et al. (US Patent 5,414,439).

Groves et al. teaches the display on mobile body with the conformal, augmented display (See Fig. 1,4-5 items 12,14,22,24,30,30',30", in description See Col. 2, Lines 45-58 and Col. 3, Lines 47-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(å) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 16-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Groves et al. in view of Lemelson et al. (US Patent No. 6,226,389 B1).

As to claim 16, Groves et al. teaches the display on mobile body wherein the conformal, augmented display, displayed at a perspective approximately equal to a perspective that would be perceived from an operator position at a location of the mobile body by an operator who has

visual contact with actual objects corresponding to the displayed objects (See Fig. 1,4-5 items 12,1422,24,30,30',30", in description See Col. 2, Lines 45-58 and Col. 3, Lines 47-65).

Groves et al. does not teach displaying the sensed objects.

Lemelson et al. teaches a television camera is mounted on a vehicle and scans the roadway ahead of the vehicle as the vehicle travels (See Fig.1, 2, items 17, 11, 32, in description See Col.5, Lines 21-64). It would have been obvious to one of ordinary skill in the art at the time of invention use sensor or camera as shown by Lemelson et al. in Groves et al apparatus in order to improve safety on the roads.

As to claim 17, Groves et al. teaches the display on mobile body wherein displayed sensed objects are positioned within a field of view of view of operator in the operator position, which approximately overlies the actual objects in the field of view (See Fig. 1,4-5 items 12,1422,24,30,30',30", in description See Col. 2, Lines 45-58 and Col. 3, Lines 47-65).

As to claim 18, Groves et al. teaches the display wherein the displayed object are displayed in a forward-looking view of the operator (See Fig. 1,4-5 items 12,1422,24,30,30',30", in description See Col. 2, Lines 45-58 and Col. 3, Lines 47-65).

As to claim 19-21, Lemelson et al. teaches mobile body comprises a vehicle (See Col. 2, Lines 21-22) travels over a roadway and wherein the displayed sensed objects correspond to transitory objects, such as other vehicles or pedestrians, or animals proximate to the roadway, not fixed in place during normal operating circumstances of the roadway See Fig.1-2, items 17, 82, in description See Col.2, Lines 19-67).

3. Applicant's arguments filed on 11-25-02 with respect to claims 1, 16-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

The Zink (US Patent No. 6,486,856 B1) reference discloses apparatus for impoved contrast in a motor vehicle heads-up display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 703-305-5661. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703-305-4938. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

ls
December 23, 2002

BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600